

DOCKET NO.: CHIR-0160  
356.001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

Vincenzo Scarlato, Vega Massignani,  
Rino Rappuoli, Mariagrazia Pizza, and  
Guido Grandi

**Serial No.: 09/303,518**

**Group Art Unit: 1631**

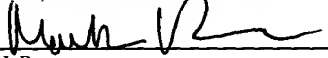
**Filing Date: April 30, 1999**

**Examiner: S. Joe Zhou**

**For: NEISSERIAL ANTIGENS**

DATE OF DEPOSIT: August 22, 2001

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID  
ON THE DATE INDICATED ABOVE AND IS ADDRESSED  
TO BOX SEQUENCE, ASSISTANT COMMISSIONER FOR  
PATENTS, WASHINGTON, DC 20231.

  
Mark J. Rosen  
REGISTRATION NO.: 39,822

**BOX SEQUENCE**

Assistant Commissioner for Patents  
Washington DC 20231

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURE**

In response to the "Notice to Comply With Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" dated May 31, 2001,  
and the subsequent Examiners' Communications dated June 29, 2001 and August 8, 2001, to  
which the response date has been extended to August 29, 2001, enclosed herewith is:

- ☒ Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821  
through 1.825;
- ☐ Substitute pages of the Sequence Listing;

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356.001


- 2 -

PATENT

- ☒ Substitute copy of the computer readable form of amended Sequence Listing;
- ☒ Copy of Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures and Examiners' Communications of June 29, 2001 and August 28, 2001;
- ☒ Petition for Extension of Time;
- ☒ Other: Response to Office Communication

The Commissioner is hereby authorized to charge any underpayment associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

Date: 8.22.2001

  
\_\_\_\_\_  
Mark J. Rosen  
Registration No. 39,822

Woodcock Washburn Kurtz  
Mackiewicz & Norris LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

APPLICATION CONTROL NO.	FILED DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/303,518	04/30/99	SCARLATO	V CHIR-0160

027476  
CHIRON CORPORATION  
INTELLECTUAL PROPERTY - R440  
P.O. BOX 8097  
EMERYVILLE CA 94662-8097

HZ12/0629

EXAMINER	
ZHOU, S	
ART UNIT	PAPER
1631	14

DATE MAILED: 06/29/01

RECEIVED  
JUL 20 2001  
DOCKET DEPT.  
WWWKMN



RECEIVED  
JUL 26 2001  
Janet Griffin  
WWWKMN

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED on/by 7/6/01 on  
Atty. AMM PA  
File # PP00356.01  
Due Date 7/29/01 Ext SL5  
Final Date 12/29/01 SLB

JUL 27 2001

Woodcock, Washburn, & Mackiewicz  
Commissioner of Patents and Trademarks

The communication in Paper # 12, filed on 10/12/2000, is non-responsive to the prior office action, mailed 9/5/2000, because of the following reason:

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a) (2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 because the computer readable form of the Sequence Listing provided in Paper # 12 is defective. Please see the attached Raw Sequence Listing Error Report. Failure to respond to this requirement may result in abandonment of the instant application.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one month from the date of this letter or as extended as follows. AN EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. 1.136(a) OR (b) UP TO A MAXIMUM OF SIX MONTHS.

Please note that the Office communication concerning this application in Paper # 13, mailed 5/31/01 is hereby vacated because it was sent by an inadvertent error.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CFR § 1.6(d)). The CM1 Fax Center number is either (703) 308-4242 or (703)305-3014.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Shubo "Joe" Zhou, Ph.D., whose telephone number is (703) 605-1158. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on (703) 308-4028.

Any inquiry of a general nature or relating to the status of this application should be directed to Patent Analyst Tina Plunkett whose telephone number is 703-305-3524, or to the Technical Center receptionist whose telephone number is (703) 308-0196.

S. "Joe" Zhou, Ph.D.

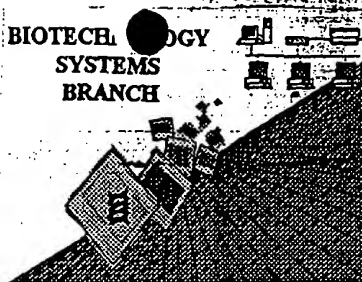
ATTACHMENT: RAW SEQUENCE LISTING ERROR REPORT

JOHN S. BRUSCA, PH.D.  
PRIMARY EXAMINER

*John S. Brusca*

## **RAW SEQUENCE LISTING** **ERROR REPORT**

BIOTECHNOLOGY  
SYSTEMS  
BRANCH



OCT 25 2000

TECH CENTER 1600/290

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/303,578A

Source: 1631

Date Processed by STIC: 10/12/2000

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: [patin30help@uspto.gov](mailto:patin30help@uspto.gov) or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

### **Checker Version 3.0**

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

## Ra Sequence Listing Error Summary

OCT 25 2000

ERROR DETECTED SUGGESTED CORRECTION

SERIAL NUMBER:

09/300/5187/600/2900

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1      Wrapped Nucleics      The number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".
- 2      Wrapped Aminos      The amino acid number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".
- 3      Incorrect Line Length      The rules require that a line not exceed 72 characters in length. This includes spaces.
- 4      Misaligned Amino Acid Numbering      The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs between the numbering. It is recommended to delete any tabs and use spacing between the numbers.
- 5      Non-ASCII      This file was not saved in ASCII (DOS) text, as required by the Sequence Rules.  
Please ensure your subsequent submission is saved in ASCII text so that it can be processed.
- 6      Variable Length      Sequence(s)      contain n's or Xaa's which represented more than one residue.  
As per the rules, each n or Xaa can only represent a single residue.  
Please present the maximum number of each residue having variable length and indicate in the (ix) feature section that some may be missing.
- 7      PatentIn ver. 2.0 "bug"      A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s)     . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies primarily to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 8      Skipped Sequences (OLD RULES)      Sequence(s)      missing. If intentional, please use the following format for each skipped sequence:  
(2) INFORMATION FOR SEQ ID NO:X:  
(i) SEQUENCE CHARACTERISTICS:(Do not insert any headings under "SEQUENCE CHARACTERISTICS")  
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X:  
This sequence is intentionally skipped  
  
Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s).
- 9      Skipped Sequences (NEW RULES)      Sequence(s)      missing. If intentional, please use the following format for each skipped sequence.  
<210> sequence id number  
<400> sequence id number  
000
- 10      Use of n's or Xaa's (NEW RULES)      Use of n's and/or Xaa's have been detected in the Sequence Listing.  
Use of <220> to <223> is MANDATORY if n's or Xaa's are present.  
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 11      Use of <213>Organism (NEW RULES)      Sequence(s)      are missing this mandatory field or its response.
- 12      Use of <220>Feature (NEW RULES)      Sequence(s)      are missing the <220>Feature and associated headings.  
Use of <220> to <223> is MANDATORY if <213>ORGANISM is "Artificial" or "Unknown"  
Please explain source of genetic material in <220> to <223> section.  
(See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)
- 13      PatentIn ver. 2.0 "bug"      Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing).  
Instead, please use "File Manager" or any other means to copy file to floppy disk.



RECEIVED Page 1 of 10 #12

AUG 30 2001

10-27-  
P

TECH CENTER 1600/2900 1631

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/303,518A

DATE: 10/12/2000

TIME: 15:29:08

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Output Set: N:\CRF3\10122000\I303518A.raw

Does Not Comply  
Corrected Diskette Needed

P.6

3 <110> APPLICANT: Scarlato, Enzo  
4 Masignani, Vega  
5 Rappuoli, Rino  
6 Pizza, Mariagrazia  
7 Grandi, Guido  
9 <120> TITLE OF INVENTION: Neisserial Antigens  
11 <130> FILE REFERENCE: CHIR0160  
13 <140> CURRENT APPLICATION NUMBER: 09/303,518A  
14 <141> CURRENT FILING DATE: 1999-04-30  
16 <150> PRIOR APPLICATION NUMBER: PCT/IB98/01665  
17 <151> PRIOR FILING DATE: 1998-10-09  
19 <160> NUMBER OF SEQ ID NOS: 1098  
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## RAW SEQUENCE LISTING

DATE: 10/12/2000

PATENT APPLICATION: US/09/303,518A

TIME: 15:29:08

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Output Set: N:\CRF3\10122000\I303518A.raw

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113 35 40 45
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116 50 55 60
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119 65 70 75 80
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122 85 90 95
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125 100 105 110
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128 115 120 125

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RAW SEQUENCE LISTING                      DATE: 10/12/2000  
 PATENT APPLICATION: US/09/303,518A        TIME: 15:29:08

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 Output Set: N:\CRF3\10122000\I303518A.raw

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134 145 /                      150                      155                      160
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148 gcagcagccc aatacaattt gggcgcaatg tattacaaag gacgcggcgt gcgcccggat 180
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153 cggcagggcg cagcgcaggg ggtagcccaa gcccaaaaca atttggcgt gatgtatgcc 480
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168      20      25      30
170 Leu Gln Ala Ala Ala Gln Gly Asn Ala Ala Ala Gln Tyr Asn Leu Gly
171      35      40      45
173 Ala Met Tyr Tyr Lys Gly Arg Gly Val Arg Arg Asp Ala Glu Ala
174      50      55      60
176 Val Arg Trp Tyr Arg Gln Ala Ala Glu Gln Gly Leu Ala Gln Ala Gln
177      65      70      75      80
179 Tyr Asn Leu Gly Trp Met Tyr Ala Asn Gly Arg Gly Val Arg Gln Asp
180      85      90      95
182 Asp Thr Glu Ala Val Arg Trp Tyr Arg Gln Ala Ala Ala Gln Gly Val
183      100     105     110
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188 Val Arg Gln Asp Asp Val Glu Ala Val Arg Trp Phe Arg Gln Ala Ala
189      130     135     140
191 Ala Gln Gly Val Ala Gln Ala Gln Asn Asn Leu Gly Val Met Tyr Ala
192 145      150      155      160
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195      165     170     175
197 Gly Lys Ala Cys Gln Asn Gly Asp Gln Asp Gly Cys Asp Asn Asp Gln

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RAW SEQUENCE LISTING                      DATE: 10/12/2000  
 PATENT APPLICATION: US/09/303,518A      TIME: 15:29:08

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 Output Set: N:\CRF3\10122000\I303518A.raw

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212 gcagcagccc aaacaattt gggcgtgatg tatgccgaaa gacgcggcgt gcgccaagac 180
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227 20 25 30
229 Leu Gln Ala Ala Ala Gln Gly Asn Ala Ala Ala Gln Asn Asn Leu Gly
230 35 40 45
232 Val Met Tyr Ala Glu Arg Arg Gly Val Arg Gln Asp Arg Ala Leu Ala
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235 Gln Glu Trp Leu Gly Lys Ala Cys Gln Asn Gly Tyr Gln Asp Ser Cys
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262 <400> SEQUENCE: 8
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RAW SEQUENCE LISTING                      DATE: 10/12/2000  
 PATENT APPLICATION: US/09/303,518A        TIME: 15:29:08

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273      50      55      60
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276      65      70      75      80
278 Tyr Asn Leu Gly Leu Met Tyr Tyr Asp Gly Arg Gly Val Arg Gln Asp
279      85      90      95
281 Leu Ala Leu Ala Gln Gln Trp Leu Gly Lys Ala Cys Gln Asn Gly Asp
282      100     105     110
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296 ttggacggca agtatcagtt cagcagcgac gtttccgcgc aaatcctgac ttcsggactt 180
297 ttggcgagc agtacatcgg gctgcagcag ggcggcgaca cggaatacct tgctgccggc 240
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304 <212> TYPE: PRT
305 <213> ORGANISM: Neisseria meningitidis
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309      1      5      10      15
311 Gly Val Leu Val Gly Arg Val Gly Ala Ile Gly Leu Asp Pro Lys Ser
312      20      25      30
314 Tyr Gln Ala Arg Val Arg Leu Asp Leu Asp Gly Lys Tyr Gln Phe Ser
315      35      40      45
317 Ser Asp Val Ser Ala Gln Ile Leu Thr Ser Gly Leu Leu Gly Glu Gln
318      50      55      60
320 Tyr Ile Gly Leu Gln Gln Gly Gly Asp Thr Glu Asn Leu Ala Ala Gly
321      65      70      75      80
323 Asp Thr Ile Ser Val Thr Ser Ser Ala Met Val Leu Glu Asn Leu Ile
324      85      90      95
326 Gly Lys Phe Met Thr Ser Phe Ala Glu Lys Asn Ala Asp Gly Gly Asn
327      100     105     110
329 Ala Glu Lys Ala Ala Glu
330      115
333 <210> SEQ ID NO: 11
334 <211> LENGTH: 859
335 <212> TYPE: DNA

```

<210> 23  
 <211> 903  
 <212> DNA  
 <213> Neisseria meningitidis

<400> 23

```

atggacggcg cacaaccgaa aacaaatddd ttQnaacgcc tgattgccc actcgcccgc 60
gaaccgcgatt ccgcggaaga cgtattgacc ctgQttgcgcc aagcgcacga acaggaagta 120
tttgatgcgg atacgctddd aagattggaa aaagtccctg attdttctga tttggaagt 180
cgcgacgcga tgattacgcg cagccgtatg aacgttdtaa aagaaaacga cagcatcgaa 240
cgcctaccgc cctacgttat cgataccgcc cattcgcgct tccccgtcat cgtgaagac 300
aaagacgaag ttttgggtat tttgcacgcc aaagacctgc tcaaatatat gttcaacccc 360
gagcagttcc acctcaaatc gatattgcgc cctgccgtct tcgtccccga aggcaaatac 420
ctgaccgccc ttttaaaga gttccgcgaa cagcgcaacc atatggcaat cgtcatcgac 480
gaatacggcg gcacgtcggg tttgtaact tttgaagaca tcacgcagca aatcgtcggc 540
gacatcgaag atgagtttga cgaagacgaa agcgcggaca acatccaacg cgtttccgcc 600
gaacgctggc gcattccacg ggctaccgaa atcgaagaca tcaacgcctt ttcggcacg 660
gaatacagca gcgaagaagc cgacaccatc ggccgctntg gtcattcagg aattggnaca 720
cctgcccgQtg cgcggcgaaa aagtQttat cggcgQnttg caQttcaQng tcgcQngcgc 780
nQpacaaccgc cgcctgcata cgctgatggc gaccgcgQtg aagtaagctc cgcctttct 840
gtacagttda ggatgacggt acgggcgQttt tctgtttcaa tccgccccat ccgccaQnaca 900
taa 903
  
```

see  
 item 10  
 on Enov  
 summary  
 sheet

FYI

Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

## VERIFICATION SUMMARY

PATENT APPLICATION: US/09/303,518A

DATE: 10/12/2000

TIME: 15:29:09

Input Set : N:\jumbos\09303518

Output Set: N:\CRF3\10122000\I303518A.raw

L:59 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1  
L:60 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1  
L:61 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1  
L:63 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1  
L:67 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1  
L:106 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2  
L:109 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2  
L:112 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2  
L:115 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2  
L:121 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2  
L:136 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2  
L:352 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:11  
L:389 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:12  
L:407 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:12  
L:793 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:19  
L:796 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:19  
L:822 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:20  
L:831 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:20  
L:834 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:20  
L:931 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:23  
L:931 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:23  
L:931 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:23  
L:931 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:23  
L:931 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:23  
L:942 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:23  
L:942 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:23  
L:942 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:23  
L:942 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:23  
M:340 Repeated in SeqNo=23  
L:943 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:23  
L:943 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:23  
L:943 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:23  
L:943 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:23  
L:944 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:23  
L:944 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:23  
L:944 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:23  
L:944 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:23  
L:945 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:23  
L:945 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:23  
L:945 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:23  
L:945 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:23  
L:955 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:24  
L:955 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:24  
L:955 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:24  
L:955 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:24  
L:955 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:24  
L:997 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:24  
L:997 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:24

## VERIFICATION SUMMARY

DATE: 10/12/2000

PATENT APPLICATION: US/09/303,518A

TIME: 15:29:09

Input Set : N:\jumbos\09303518

Output Set: N:\CRF3\10122000\I303518A.raw

L:997 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:24  
L:997 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:24  
M:340 Repeated in SeqNo=24  
L:1000 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:24  
L:1000 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:24  
L:1000 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:24  
L:1000 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:24  
L:1003 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:24  
L:1003 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:24  
L:1003 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:24  
L:1003 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:24  
L:1009 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:24  
L:1009 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:24  
L:1009 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:24  
L:1009 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:24  
L:1024 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:25  
L:1224 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:30  
L:1224 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:30  
L:1224 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:30  
L:1224 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:30  
L:1224 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:30  
L:1230 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:30  
L:1230 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:30  
L:1230 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:30  
L:1230 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:30  
M:340 Repeated in SeqNo=30  
L:1441 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:35  
L:1812 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:43  
L:1812 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:43  
L:1812 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:43  
M:340 Repeated in SeqNo=43  
L:1860 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:44  
M:340 Repeated in SeqNo=44  
L:1977 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:45  
L:2270 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:50  
L:2437 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:53  
M:340 Repeated in SeqNo=53  
L:2473 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:54  
M:340 Repeated in SeqNo=54  
L:2590 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:55  
L:2812 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:59  
L:2814 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:59  
L:2815 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:59  
L:2816 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:59  
L:2833 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:60  
M:340 Repeated in SeqNo=60  
L:2858 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:61  
M:340 Repeated in SeqNo=61  
L:2879 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:62

## VERIFICATION SUMMARY

PATENT APPLICATION: US/09/303,518A

DATE: 10/12/2000

TIME: 15:29:09

Input Set : N:\jumbos\09303518

Output Set: N:\CRF3\10122000\I303518A.raw

M:340 Repeated in SeqNo=62  
L:3012 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:67  
L:3022 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:68  
M:340 Repeated in SeqNo=68  
L:3205 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:73  
L:3325 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:77  
L:3347 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:78  
M:340 Repeated in SeqNo=78  
L:3688 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:85  
L:3696 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:85  
L:3718 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:86  
L:3769 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:87  
L:3824 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:88  
L:3922 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:91  
L:4185 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:99  
M:340 Repeated in SeqNo=99  
L:4219 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:100  
M:340 Repeated in SeqNo=100  
L:4319 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:103  
L:4321 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:103  
L:4323 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:103  
L:4324 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:103  
L:4342 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:104  
M:340 Repeated in SeqNo=104  
L:4738 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:109  
L:5035 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:113  
L:5040 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:113  
L:5053 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:113  
L:5054 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:113  
L:5075 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:114  
M:340 Repeated in SeqNo=114  
L:5312 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:117  
L:5388 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:118  
L:5442 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:119  
L:5716 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:124  
L:5862 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:127  
M:340 Repeated in SeqNo=127  
L:5897 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:128  
M:340 Repeated in SeqNo=128  
L:5987 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:129  
L:6193 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:133  
L:6218 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:134  
M:340 Repeated in SeqNo=134  
L:6711 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:141  
M:340 Repeated in SeqNo=141  
L:6728 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:142  
M:340 Repeated in SeqNo=142  
L:6822 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:144  
L:6880 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:145

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/303,518A

DATE: 10/12/2000

TIME: 15:29:09

Input Set : N:\jumbos\09303518

Output Set: N:\CRF3\10122000\I303518A.raw

L:6978 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:147  
L:6982 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:147  
L:6983 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:147  
L:6996 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:148



## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/303,518	04/30/99	SCARLATO	V CHIR-0160

027476  
CHIRON CORPORATION  
INTELLECTUAL PROPERTY - R440  
P.O. BOX 8097  
EMERYVILLE CA 94662-8097

HM12/0808

## EXAMINER

ZHOU, S

ART UNIT

PAPER

1631

17

08/08/01

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner of Patents and Trademarks

The communication in Paper # 16, filed on 7/30/01, is non-responsive to the prior Office action, send by facsimile on 6/26/01, because of the following reason:

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 because the computer readable form of the Sequence Listing is again defective. See the attached CRF Problem Report for details. Failure to respond to this requirement may result in abandonment of the instant application.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CFR § 1.6(d)). The CM1 Fax Center number is either (703) 308-4242 or (703)305-3014.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Shubo "Joe" Zhou, Ph.D., whose telephone number is (703) 605-1158. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on (703) 308-4028.

Any inquiry of a general nature or relating to the status of this application should be directed to Patent Analyst Tina Plunkett whose telephone number is (703)-305-3524, or to the Technical Center receptionist whose telephone number is (703) 308-0196.

S. "Joe" Zhou, Ph.D.  
Patent Examiner

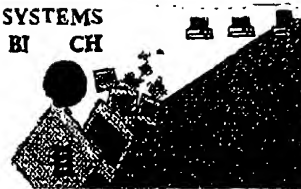
ATTACHMENT: CRF Problem Report

PTO-90C (Rev.3-98)

ARDIN H. MARSCHEL  
PRIMARY EXAMINER

DOCKETED on/by 8/13/01  
PA  
PP00356.001  
8/29/01  
SL4





2 hour 1600 Rust H

## CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/303,518B

Filing Date: 4/30/1999

Date Processed by STIC: 8/6/2001

STIC Contact: Mark Spencer, 703-308-4212

### Nature of Problem:

The CRF (was):

☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)

☐ Blank (no files on CRF) (see attached)

☐ Empty file (filename present, but no bytes in file) (see attached)

☐ Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.

☐ Not saved in ASCII text

☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.

☐ Did not contain a Sequence Listing. (see attached sample)

☐ Other: \_\_\_\_\_

**PLEASE USE THE CHECKER VERSION 3.0 PROGRAM TO REDUCE ERRORS.  
SEE BELOW FOR DETAILS:**

### **Checker Version 3.0**

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:  
<http://www.uspto.gov/web/offices/pac/checker>

09/303,518B

A:\>DIR

Volume in drive A has no label  
Directory of A:\

CHIR01-1 TXT 1,049,764 07-26-01 11:53a CHIR0160.ST25.1of2.txt  
1 file(s) 1,049,764 bytes  
0 dir(s) 407,552 bytes free

A:\>TYPE CHIR01-1.TXT|MORE

Read fault error reading drive A  
Abort, Retry, Fail?F  
Fail on INT 24 - CHIR01-1.TXT

on screen message when STTC PC

tried to read  
submitted disk file